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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,545	09/21/2000	Kenneth N. Myers JR.	FE-00461	7582

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EXAMINER

STEVENS, THOMAS H

ART UNIT PAPER NUMBER

2123

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/666,545	Applicant(s) MYERS ET AL.	
	Examiner Thomas H. Stevens	Art Unit 2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2000.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-20 is examined. Section I: Response to Applicants' Amendments.  
Section II: Rejections.

#### **Section I Response to Applicants' Amendments**

##### ***Drawings***

2. Applicants are thanked for annotating drawings. Objection is withdrawn (pg.9, paragraphs 1 and 2).

##### ***Prior Art***

3. Applicants are thanked for reminding the examiner to disclose reasons why drawings should be marked as prior art. Objection is withdrawn (pg.9-10, 3<sup>rd</sup> and 1<sup>st</sup> paragraph, respectively).

#### ***Information Disclosure Statement***

4. The examiner acknowledges applicants' statements (pg.10, paragraphs 4 and 5; and pg. 11, 1<sup>st</sup> paragraph).

#### ***Inventive Entities and Priority***

5. Applicants are thanked for examining the inventive entity and priority issues. The examiner stands behind original rejection. It is clear that Mimi Nguyen (provisional:

50/115,010) was missing from application (application: 09/666,5435). Thus, priority based on these facts, is denied (See MPEP 201.11; Feb. 2003 version, pg. 200-73, Section IV: Same Inventors or Inventors).

***Response to 35 U.S.C. 112 second paragraph remarks***

6. Applicants are thanked for responding to 35 U.S.C. 112 issues. The examiner withdraws rejections to claims 1 and 2.
7. The examiner acknowledges the definition of "abstract component type" as being an intangible component. However, the examiner feels the definition is vague. There's no detailed example or explanation of "intangible component". Rejections to claims 3 and 4 **are not withdrawn** (pg. 14, 1<sup>st</sup> paragraph).
8. The examiner acknowledges the definition of "hypothetical components". Rejection to claim 9 is withdrawn (pg. 14, 3<sup>rd</sup> paragraph).
9. The examiner acknowledges and accepts statements for claims 11 and 13. Rejections are withdrawn (pg. 14, paragraphs 4 and 5; and pg. 15, lines 1-10).
10. The examiner is fully aware of the definition of "Enterprise". (pg. 15, 3<sup>rd</sup> paragraph).

***Response to 35 U.S.C. 101***

11. Applicants are thanked for responding 35 U.S.C. 101 (double patenting). The examiner states the reason for rejection on page 6, paragraphs 1 and 2, with paragraph 2 stating the prima face case for obviousness. The double patent rejection stands.

***Response to 35 U.S.C. 102(a) and 102 (f)***

12. Applicants are thanked for responding to 35 U.S.C. 102(a) and 102(f). Examiner withdraws rejections (pg. 16, paragraphs 3-5 and pg 17, 1<sup>st</sup> paragraph).

***Response to 35 U.S.C. 103***

13. The applicants are thanked for responding to this issue. This rejection by Povilus in view of Virgil is withdrawn in place of new prior (pg. 21-23).

**Section III Rejections**

***Priority***

14. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 1-20 of this application.

***Claim Rejections - 35 USC § 112***

15. Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following terms need redefining or rewording within the context of the claim:

**Claims 3,4:** "abstract component types" (pg. 44, lines 34 and 37, respectively)--vague.

***Double Patenting***

16. Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of copending Application No. 09/666,545.

For example, claim 1(09/631694) claims an inter-enterprise collaborative engineering environment linking multiple systems via a bi-directional link between data bases (pg.32 lines 1-5 and 13). However, claims of (09/666,545) claims a web-centric collaborative engineering environment linking multiple systems together (pg. 2, lines 1-6).

One of ordinary skill in the art at the time of invention would have known that a "web-centric" product has inherent features such as a data base network with a vast data bases or a plurality of data bases (broadly speaking: multiple systems), which is bi-directional in nature; concluding that these applications are the same. This is a provisional obviousness-type double patenting rejection.

***Claim Rejections - 35 USC § 103***

17. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara-H et al. ("Model-based Architecture" (1997)) in view of McQuary ("A Collaborative Engineering Environment for 21<sup>st</sup> Century Avionics" (1998)).

Hara et al. teaches a Cooperative Environment for Enterprise-Computing (CEE) which consist of an organization, business function/process with concurrent engineering by providing notification on the creation or modification of the output

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document of a process to the succeeding process (abstract); but doesn't teach an actual application.

McQuay teaches the Collaborative Engineering Environment (CEE) for advanced distributed modeling and simulation and engineering tools in an integrated environment to support technology development (abstract).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use Hara et al. to modify McQuay since it would have been advantageous to implement and use such an abstract network.

Claim 1. A computer implemented product catalog for use in a web-centric collaborative engineering environment (CEE) (Hara: abstract) for providing an inter-enterprise collaborative mechanism for organizations developing and maintaining complex system products, the CEE providing a federated architecture linking multiple systems and applications together to enable collaboration among enterprise members, comprising (Hara: pg. 182, left column, Introduction, paragraphs 1 and 2): an object oriented database management system (ODBMS) managing an associative object model (product model) for providing a persistent understanding of product and program information (McQuay: pg. 256, right column, bullets 1-3) assets and tools available in the enterprise (McQuay: figure 4 and pg. 261, Data Interfaces Management section); a plurality of part objects forming a product catalog, the part objects being defined by the product model (McQuay: pg. 256, right column, lines 2-6) and stored in the ODBMS, wherein each part object has

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intrinsic characteristics corresponding to a plurality of default values, the product catalog providing an application independent control, security (McQuay: pg. 260, right column, Application Interfaces) search mechanisms, concurrency control, versioning, information structuring, information mapping and exchange, wherein the information available to each member is information necessary for the member to complete role and team based tasks ((McQuay: pg. 257, right column, 3<sup>rd</sup> paragraph; and 258, left column, 1<sup>st</sup> paragraph) and wherein the linking means comprises a plurality of tools, each tool communicating information with the ODBMS.

Claim 2. A system as recited in claim 1 (Hara: abstract and McQuay: abstract), wherein a part object is a collection of one or more other part objects ((McQuay: pg. 257, right column, 3<sup>rd</sup> paragraph; and 258, left column, 1<sup>st</sup> paragraph).

Claim 3. A system as recited in claim 1, (Hara: abstract and McQuay: abstract), wherein a part objects represent commercial-off-the-shelf (COTS) hardware, electrical, software, or abstract component types (McQuay: pg. 260, left column, Applications).

Claim 4. A system as recited in claim 1 (Hara: abstract and McQuay: abstract), wherein the product catalog supports part objects representing commercial-off-the-shelf (COTS) hardware, electrical, software, and abstract component types (McQuay: pg. 260, left column, Applications).

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Claim 5. A system as recited in claim 1 (Hara: abstract and McQuay: abstract), wherein the product catalog provides a single point of information management with unlimited application by reference (Hara: pg. 183, left column, 2<sup>nd</sup> paragraph; McQuay: pg. 259, figure 3).

Claim 6. A system as recited in claim 1 (Hara: abstract and McQuay: abstract), wherein the CEE enables members of the enterprise to capture technology and model information and associate the captured information with a system component for entry into the product catalog (Hara: pg. 184, right column, 2<sup>nd</sup> paragraph; and McQuay: pg. 257, left column, 1st paragraph).

Claim 7. A system as recited in claim 6 (Hara: pg. 184, right column, 2<sup>nd</sup> paragraph; and McQuay: pg. 257, left column, 1st paragraph), wherein the parts and components in the product catalog are extensible to an existing user community in an enterprise, the user community requiring customization of parts for use in projects associated with the enterprise (Hara: pg. 182, Architecture of CEE, 2<sup>nd</sup> paragraph, lines 1-4; and McQuay; figure 3 and pg. 259, left column, 3<sup>rd</sup> paragraph).

Claim 8. A system as recited in claim 1 (Hara: abstract and McQuay: abstract), wherein the product catalog provides a single extensible interface for peer enterprise member information management systems (Hara: pg. 182, Architecture of CEE, 2<sup>nd</sup> paragraph, lines 1-4; and McQuay; figure 3 and pg. 259, left column, 3<sup>rd</sup> paragraph).

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Claim 9. A system as recited in claim 1 (Hara: abstract and McQuay: abstract), wherein the product catalog supports part objects representing projected or hypothetical components (McQuay: pg. 259, left column 3<sup>rd</sup> paragraph, and right column, 1<sup>st</sup> paragraph).

Claim 10. A system as recited in claim 1 (Hara: abstract and McQuay: abstract), wherein intrinsic information of a component, the component being represented by one or more parts in the product catalog, is augmented with implementation specific information (McQuay: pg. 259, left column 3<sup>rd</sup> paragraph, and right column, 1<sup>st</sup> paragraph).

Claim 11. A method for customizing a product catalog for use by a project in a collaborative engineering environment (CEE) (Hara: abstract and McQuay: abstract) which provides an inter-enterprise collaborative mechanism for organizations developing and maintaining complex system products (McQuay: pg. 259, right column, 3<sup>rd</sup> paragraph) and provides a federated architecture linking multiple systems and applications together to enable collaboration among enterprise members (Hara: pg 183 figures 1 and 2; and section 3 Enterprise Model in CEE), comprising: generating a product model for the project, wherein the product model defines project related informational elements (Hara: pg. 182, left column, Introduction, 1<sup>st</sup> paragraph; and McQuay: pg. 258, section 4 "Defining a Collaborative Environment for Virtual Prototyping", 1<sup>st</sup> paragraph) and their corresponding characteristics, and wherein the

project related informational elements may differ based on domain area; identifying elements (parts) existing in a enterprise-wide product catalog.

Claim 12. A method as recited in claim 11(Hara: abstract and McQuay: abstract), wherein the product catalog utilized for identifying parts in the identifying step and providing new parts in the providing steps comprises: an object oriented database management system (ODBMS) managing an associative object model (product model) for providing a persistent understanding of product and program information (McQuay: pg 256, right column, bullets 1-3; pg. 259, left column, 3<sup>rd</sup> paragraph, right column 1<sup>st</sup> paragraph) assets and tools available in the enterprise; a plurality of part objects forming a product catalog, the part objects being defined by the product model and stored in the ODBMS, wherein each part object has default characteristics corresponding to a default environment; means for generating part references, where a part reference refers to a corresponding part object in the product catalog, and wherein the part reference has characteristics customized for a project that override the default characteristics of its corresponding part object; and means for linking members of the enterprise with part objects and customized part references via a collaborative engineering environment (CEE), the CEE having a framework for collaboration which provides access control, security (McQuay: pg. 260, right column, Application Interfaces) search mechanisms, concurrency control, versioning, information structuring, information mapping and exchange(McQuay: pg. 260, right column, Middleware), wherein the information available to each member is information

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necessary for the member to complete role and team based tasks, and wherein the linking means comprises a plurality of tools, each tool communicating information with the ODBMS (Hara: pg. 186, section 6.1, 2<sup>nd</sup> paragraph. McQuay: pg. 259, left column, 3<sup>rd</sup> paragraph and all of right column; and pg. 260 and 261, sections Communications Infrastructure and Data Interfaces Management).

Claim 13. A method as recited in claim 11 (Hara: pg. 186, section 6.1, 2<sup>nd</sup> paragraph. McQuay: pg. 259, left column, 3<sup>rd</sup> paragraph and all of right column; and pg. 260 and 261, sections Communications Infrastructure and Data Interfaces Management), wherein the step of providing new parts, further comprises: capturing technology and model information by members of the enterprise; and associating the captured information with a system component for entry into the product catalog.

Claim 14. A method as recited in claim 13 (Hara: pg. 182, left column, Introduction, 1<sup>st</sup> paragraph; and McQuay: pg. 258, section 4 "Defining a Collaborative Environment for Virtual Prototyping", 1<sup>st</sup> paragraph), further comprising: entering new part objects into the product catalog, wherein the new part objects correspond to system components associated with the captured information in the associating step.

Claim 15. A method as recited in claim 13, (Hara: pg. 186, section 6.1, 2<sup>nd</sup> paragraph. McQuay: pg. 259, left column, 3<sup>rd</sup> paragraph and all of right column; and pg. 260 and

261, sections Communications Infrastructure and Data Interfaces Management) further comprising: entering updated part object information into the product catalog when captured information results in necessary modification to an existing part and not identification of a new part, wherein the updated part objects correspond (Hara: pg.184, section 4.2 Concurrent Engineering by Document Sharing and Notification).

Claim 16. A method as recited in claim 13(Hara: pg. 186, section 6.1, 2nd paragraph. McQuay: pg. 259, left column, 3<sup>rd</sup> paragraph and all of right column; and pg. 260 and 261, sections Communications Infrastructure and Data Interfaces Management), wherein the new or updated part objects are reviewed by at least one member of the enterprise having authority to accept or reject the part objects, and wherein if a new or updated part object is rejected it is not entered into the product catalog, but if a new or updated part object is accepted (Hara: pg.184, section 4.2 Concurrent Engineering by Document Sharing and Notification section 4.3, 2<sup>nd</sup> paragraph).

Claim 17. A method as recited in claim 16(Hara: pg. 186, section 6.1, 2nd paragraph. McQuay: pg. 259, left column, 3<sup>rd</sup> paragraph and all of right column; and pg. 260 and 261, sections Communications Infrastructure and Data Interfaces Management), further comprising notifying members of the enterprise that new parts or part information are available (Hara: pg.184, section 4.2 Concurrent Engineering by Document Sharing and Notification section 4.3, 2<sup>nd</sup> paragraph).

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Claim 18. A method as recited in claim 17(Hara: pg. 186, section 6.1, 2nd paragraph. McQuay: pg. 259, left column, 3<sup>rd</sup> paragraph and all of right column; and pg. 260 and 261, sections Communications Infrastructure and Data Interfaces Management), wherein the step of notifying further comprises automatically updating project specific parts and components with modified part information for updated parts (Hara: pg.184, section 4.2 Concurrent Engineering by Document Sharing and Notification; and section 4.3, 2<sup>nd</sup> paragraph).

Claim 19. A method as recited in claim 11(Hara: abstract and McQuay: abstract), further comprising: retrieving part information from the part catalog by members of a project within the enterprise; and customizing retrieved part information for use in a project (McQuay: pg. 258, right column, 1<sup>st</sup> paragraph).

Claim 20. A method as recited in claim 19(Hara: abstract and McQuay: abstract), wherein the step of customizing further comprises: maintaining desired default characteristics for retrieved part information; overriding default characteristics for retrieved part information, as necessary to represent system components of the project; and extending part information with additional part characteristics, as necessary to represent system components of the project, the additional part characteristics being omitted from part information retrieved in the product catalog (McQuay: pg.258, left column, 1<sup>st</sup> paragraph. Note: most if not all engineering-based formulas would naturally contain default values (i.e., Boltzmann Constant) or a list of constants (i.e., permeability,

path loss, conductivity of materials, etc.), thus concluding these values of this nature are inherent).

### ***Conclusion***

19. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Stevens whose telephone number is (703) 305-0365, Monday-Friday (8:00 am- 4:30 pm) or contact Supervisor Mr. Kevin Teska at (703) 305-9704.

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Any inquires of general nature or relating to the status of this application should be directed to the Group receptionist whose phone number is (703) 305-3900.

May 27, 2004

THS



KEVIN J. TESKA  
SUPERVISORY  
PATENT EXAMINER